

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MJ 00005

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

COMPLAINT FOR VIOLATION OF:

v.

BY:

DEPUTY

Wilbert LUIS-Alvarado,

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

Defendant

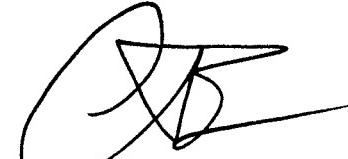
The undersigned complainant, being duly sworn, states:

On or about **January 1, 2008** within the Southern District of California, defendant, **Wilbert LUIS-Alvarado**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 2nd DAY OF JANUARY
2008


Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Wilbert LUIS-Alvarado

PROBABLE CAUSE STATEMENT

On January 1, 2008, Border Patrol Agent M. Rodriguez responded to a report of five suspected illegal aliens walking north from Tecate Peak by Senior Patrol Agent C. Carlson who was operating a infrared thermal scope. This area is approximately four miles west of the Tecate, California Port of Entry and three miles north of the International Border between the United States and Mexico. Once in the area Agent Rodriguez was directed by Agent Carlson to the group's location. Agent Rodriguez encountered the group attempting to conceal themselves in rocks and some brush. Agent Rodriguez identified himself as a Border Patrol Agent and conducted an immigration interview of all five individuals. All of the individuals, including one later identified as the defendant **Wilbert LUIS-Alvarado**, freely admitted to being citizens and nationals of Mexico without having any immigration documents that would allow them to be or remain in the United States legally. The group was arrested at approximately 3:45 A.M. and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed an immigration history. The defendant's record was determined by a comparison of his immigration record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on May 10, 2007** through **Laredo, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda Rights, which he stated he understood and was willing to answer questions without having an attorney present. The defendant admitted to being a citizen and national of Mexico and not in possession of any immigration documents that would allow him to be or remain in the United States legally. The defendant stated that he entered the United States illegally on December 31, 2007 by walking through the mountains.